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Attorneys for Defendants  
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Jeri Hemmer, Roni Sue, Angelo Gomez,  
and Edward J. Ray

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

NATHAN LEE THOMAS,

CV No. 3:14-cv-00554-SI

Plaintiff,

v.

ANGELA M. METTIE, DAVID T.  
BEARDEN, JERI HEMMER,  
RONI SUE, ANGELO GOMEZ, and  
EDWARD J. RAY,

Defendants.

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DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S REVERSAL OF STIPULATED  
PROTECTIVE ORDER AND RELEASE OF  
ALL DOCUMENTATION INTO THE  
PUBLIC RECORD

Defendants Angela M. Mettie, David T. Bearden, Jeri Hemmer, Roni Sue, Angelo Gomez, and Edward J. Ray ("Defendants") oppose Plaintiff's Reversal of Stipulated Protective Order and Release of All Documentation into the Public Record.

On or about October 10, 2014, the parties entered into and the Court signed a Stipulated Protective Order (Dkt. 39), which requires that plaintiff Nathan Thomas maintain the confidentiality of certain documents produced in his lawsuit. The court entered a judgment of dismissal with prejudice on February 17, 2015. (Dkt. 59). The protective order remains in place and the court retains jurisdiction with respect to it. (Protective Order at ¶ 16.)

On May 1, 2015, Thomas filed a short statement apparently seeking to have the protective order on file stricken or modified. But Thomas provides no reason the protective order's confidentiality provisions should be overturned and the documents should be made public. The documents that are subject to the protective order relate to personnel situations of Oregon State University employees other than plaintiff.

Thomas's statement makes a passing reference to public records laws. But the public records laws call for protection here, not dissemination. ORS 192.502 provides a personal privacy exemption from public records for information of a personal and/or medical nature. ORS 192.502(2). The documents and information marked "confidential" in this case fit squarely within that exemption, and public disclosure these other employees' records would constitute an unreasonable invasion of privacy. Defendants do not know what purpose Thomas has for seeking relief from the protective order but cannot imagine that documents otherwise confidential and properly subject to a protective order should be used by Thomas in any manner outside of the litigation.

For the above reasons, plaintiff's request for reversal should be denied, and the Stipulated Protective Order entered into and agreed upon by plaintiff should not be set aside or modified.

DATED this 11th day of May, 2015.

MILLER NASH GRAHAM & DUNN LLP

s/Andrea M. Barton

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Defendants' Opposition to Plaintiff's Reversal of Stipulated Protective Order and Release of all Documentation into the Public Record on:

Nathan Lee Thomas  
Post Office Box 9261  
Portland, Oregon 97207

*Pro Se Plaintiff*

by the following indicated method or methods on the date set forth below:

- ☐ **CM/ECF system transmission.**
- ☐ **E-mail.**
- ☒ **First-class mail, postage prepaid.**
- ☐ **Hand-delivery.**

DATED this 11th day of May, 2015.

s/Andrea M. Barton

Andrea M. Barton, OSB No. 092760

*Of Attorneys for Defendants Angela M. Mettie,  
David T. Bearden, Jeri Hemmer, Roni Sue,  
Angelo Gomez, and Edward J. Ray*